

THE
STATE OF THE COUNTRY:

AN ARTICLE REPUBLISHED FROM

THE SOUTHERN PRESBYTERIAN REVIEW.

BY J. H. THORNWELL, D.D.

COLUMBIA, S. C.:
SOUTHERN GUARDIAN STEAM-POWER PRESS.

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Declaration of the Immediate Causes which Induce and Justify the Secession of South Carolina from the Federal Union; and the Ordinance of Secession. Printed by order of the Convention. Charleston: Evans & Cogswell, Printers to the Convention; pp. 13. 1860.

The Address of the People of South Carolina, Assembled in Convention, to the People of the Slaveholding States of the United States. Printed by order of the Convention. Charleston: Evans & Cogswell, Printers to the Convention; pp. 16. 1860.

Report on the Address of a portion of the Members of the General Assembly of Georgia. Printed by order of the Convention. Charleston: Evans & Cogswell, Printers to the Convention, pp. 6. 1860.

It is now universally known that, on the twentieth day of last December, the people of South Carolina, in Convention assembled, solemnly annulled the ordinance by which they became members of the Federal Union, entitled the United States of America, and resumed to themselves the exercise of all the powers which they had delegated to the Federal Congress. South Carolina has now become a separate and independent State. She takes her place as an equal among the other nations of the earth. This is certainly one of the most grave and important events of modern times. It involves the destiny of a continent, and

through that continent, the fortunes of the human race. As it is a matter of the utmost moment that the rest of the world, and especially that the people of the United States, should understand the causes which have brought about this astounding result, we propose, in a short article, and in a candid and dispassionate spirit, to explain them, and to make an appeal, both to the slaveholding and non-slaveholding States, touching their duty in the new and extraordinary aspect which affairs have assumed.

That there was a cause, and an adequate cause, might be presumed from the character of the Convention which passed the Ordinance of Secession, and the perfect unanimity with which it was done. That Convention was not a collection of demagogues and politicians. It was not a conclave of defeated place-hunters, who sought to avenge their disappointment by the ruin of their country. It was a body of sober, grave and venerable men, selected from every pursuit in life, and distinguished, most of them, in their respective spheres, by every quality which can command confidence and respect. It embraced the wisdom, moderation and integrity of the bench, the learning and prudence of the bar, and the eloquence and piety of the pulpit. It contained retired planters, scholars and gentlemen, who had stood aloof from the turmoil and ambition of public life, and were devoting an elegant leisure—*otium cum dignitate*—to the culture of their minds, and to quiet and unobtrusive schemes of Christian philanthropy. There were men in that Convention who were utterly incapable of low and selfish schemes; who, in the calm serenity of their judgments, were as unmoved by the waves of popular passion and excitement, as the everlasting granite by the billows that roll against it. There were men there who would have listened to no voice but what they believed to be the voice of reason, and would have bowed to no authority but what they believed to be the authority of God. There were men there who would not have been

controlled by "uncertain opinion," nor betrayed into "sudden counsels;" men who could act from nothing, in the noble language of Milton, "but from mature wisdom, deliberate virtue, and dear affection to the public good." That Convention, in the character of its members, deserves every syllable of the glowing panegyric which Milton has pronounced upon the immortal Parliament of England, which taught the nations of the earth that resistance to tyrants is obedience to God. Were it not invidious, we might single out names, which, wherever they are known, are regarded as synonymous with purity, probity, magnanimity and honor. It was a noble body, and all their proceedings were in harmony with their high character. In the midst of intense agitation and excitement, they were calm, cool, collected and self-possessed. They deliberated without passion, and concluded without rashness. They sat with closed doors, that the tumult of the populace might not invade the sobriety of their minds. If a stranger could have passed from the stirring scenes with which the streets of Charleston were alive, into the calm and quiet sanctuary of this venerable council, he would have been impressed with the awe and veneration which subdued the rude Gaul, when he first beheld in senatorial dignity the Conscript Fathers of Rome. That, in such a body, there was not a single voice against the Ordinance of Secession, that there was not only no dissent, but that the assent was cordial and thorough-going, is a strong presumption that the measure was justified by the clearest and sternest necessities of justice and of right. That such an assembly should have inaugurated and completed a radical revolution in all the external relations of the State, in the face of acknowledged dangers, and at the risk of enormous sacrifices, and should have done it gravely, soberly, dispassionately, deliberately, and yet have done it without cause, transcends all the measures of probability. Whatever else may be said of it, it certainly must be admitted that this solemn act of South Carolina was well considered.

In her estimate of the magnitude of the danger, she has been seconded by every other slaveholding State. While we are writing, the telegraphic wires announce what the previous elections had prepared us to expect—that Florida, Alabama and Mississippi have followed her example. They also have become separate and independent States. Three other States have taken the incipient steps for the consummation of the same result. And the rest of the slaveholding States are hanging by a single thread to the Union—the slender thread of hope—that guarantees may be devised which shall yet secure to them their rights. But even they proclaim, that without such guarantees, their wrongs are intolerable, and they will not longer endure them. Can any man believe that the secession of four sovereign States, under the most solemn circumstances, the determination of others to follow as soon as the constituted authorities can be called together, and the universal sentiment of all, that the Constitution of the United States has been virtually repealed, and that every slaveholding State has just ground for secession—can any man believe that this is a factitious condition of the public mind of the South, produced by brawling politicians and disappointed demagogues, and not the calm, deliberate, profound utterance of a people who feel, in their inmost souls, that they have been deeply and flagrantly wronged? The presumption clearly is, that there is something in the attitude of the Government which portends danger and demands resistance. There must be a cause for this intense and pervading sense of injustice and of injury.

It has been suggested, by those who know as little of the people of the South as they do of the Constitution of their country, that all this ferment is nothing but the result of a mercenary spirit on the part of the cotton-growing States, fed by Utopian dreams of aggrandizement and wealth, to be realized under the auspices of free trade, in a separate Confederacy of their own. It has been gravely insinuated that they are willing to sell their faith for gold—that they

have only made a pretext of recent events to accomplish a foregone scheme of deliberate treachery and fraud. That there is not the slightest ground in any thing these States have ever said or done for this extraordinary slander, it is, of course, superfluous to add. The South has, indeed, complained of the unequal administration of the Government. Her best and purest statesmen have openly avowed the opinion, that, in consequence of the partial legislation of Congress, she has borne burdens, and experienced inconveniences, which have retarded her own prosperity, while they have largely contributed to develop the resources of the North. But grievances of this kind, unless greatly exaggerated, never would have led to the dissolution of the Union. They would have been resisted within it, or patiently borne until they could be lawfully redressed. So far from contending for an arbitrary right to dissolve the Union, or the right to dissolve it on merely technical grounds, the South sets so high a value on good faith, that she would never have dissolved it for slight and temporary wrongs, even though they might involve such a violation, on the part of her confederates, of the terms of the compact, as released her from any further obligation of honor. It is, therefore, preposterous to say, that any dreams, however dazzling, of ambition and avarice, could have induced her to disregard her solemn engagements to her sister States, while they were faithfully fulfilling the conditions of the contract. We know the people of the South; and we can confidently affirm, that if they had been assured that all these golden visions could have been completely realized by setting up for themselves, as long as the Constitution of the United States continued to be sincerely observed, they would have spurned the temptation to purchase national greatness by perfidy. They would have preferred poverty, with honor, to the gain of the whole world by the loss of their integrity.

When it was perceived that the tendency of events was inevitably driving the South to disunion, a condition from

which she at first recoiled with horror, then she began to cast about for considerations to reconcile her to her destiny. Then, for the first time, was it maintained, that, instead of being a loser, she might be a gainer by the measure which the course of the Government was forcing upon her. It was alleged that good would spring from evil; that the prospect of independence was brighter and more cheering than her present condition—that she had much to anticipate, and little to dread, from the contemplated change. But these considerations were not invented to *justify* secession—they were only adduced as motives to reconcile the mind to its necessity. Apart from that necessity, they would have had as little weight in determining public opinion, as the small dust of the balance. We do not believe, when the present controversy began, that the advocates of what is called disunion *per se*, men who preferred a Southern Confederacy upon the grounds of its intrinsic superiority to the Constitutional Union of the United States, could have mustered a corporal's guard. The people of the South were loyal to the country, and if the country had been true to them, they would have been as ready to-day to defend its honor with their fortunes and their blood, as when they raised its triumphant flag upon the walls of Mexico.

It has also been asserted, as a ground of dissatisfaction with the present Government, and of desire to organize a separate Government of their own, that the cotton-growing States are intent upon reopening, as a means of fulfilling their magnificent visions of wealth, the African slave-trade. The agitation of this subject at the South has been grievously misunderstood. One extreme generates another. The violence of Northern abolitionists gave rise to a small party among ourselves, who were determined not to be outdone in extravagance. They wished to show that they could give a Rowland for an Oliver. Had abolitionists never denounced the domestic trade as plunder and robbery, not a whisper would ever have been breathed about disturbing

the peace of Africa. The men who were loudest in their denunciations of the Government had, with very few exceptions, no more desire to have the trade reopened than the rest of their countrymen; but they delighted in teasing their enemies. They took special satisfaction in providing hard nuts for abolitionists to crack. There were others, not at all in favor of the trade, who looked upon the law as unconstitutional which declared it to be piracy. But the great mass of the Southern people were content with the law as it stood. They were and are opposed to the trade—not because the traffic in slaves is immoral—that not a man among us believes—but because the traffic with Africa is *not* a traffic in slaves. It is a system of kidnapping and man-stealing, which is as abhorrent to the South as it is to the North; and we venture confidently to predict, that should a Southern Confederacy be formed, the African slave-trade is much more likely to be reopened by the old Government than the new. The conscience of the North will be less tender when it has no Southern sins to bewail, and idle ships will naturally look to the Government to help them in finding employment.

The real cause of the intense excitement of the South, is not vain dreams of national glory in a separate confederacy, nor the love of the filthy lucre of the African slave-trade; it is the profound conviction that the Constitution, in its relations to slavery, has been virtually repealed; that the Government has assumed a new and dangerous attitude upon this subject; that we have, in short, new terms of union submitted to our acceptance or rejection. Here lies the evil. The election of Lincoln, when properly interpreted, is nothing more nor less than a proposition to the South to consent to a Government, fundamentally different upon the question of slavery, from that which our fathers established. If this point can be made out, secession becomes not only a right, but a bounden duty. Morally, it is only the abrogation of the forms of a contract, when its

essential conditions have been abolished. Politically, it is a measure indispensable to the safety, if not to the very existence, of the South. It is needless to say that, in this issue, the personal character of Mr. Lincoln is not at all involved. There are no objections to him as a man, or as a citizen of the North. He is probably entitled, in the private relations of life, to all the commendations which his friends have bestowed upon him. We, at least, would be the last to detract from his personal worth. The issue has respect, not to the man, but to the principles upon which he is pledged to administer the Government, and which, we are significantly informed, are to be impressed upon it in all time to come. His election seals the triumph of those principles, and that triumph seals the subversion of the Constitution, in relation to a matter of paramount interest to the South.

This we shall proceed to show, by showing, first, the Constitutional attitude of the Government towards slavery, and then the attitude which, after the inauguration of Mr. Lincoln, it is to assume and maintain for ever:

I. What, now, is its Constitutional attitude? We affirm it to be *one of* ABSOLUTE INDIFFERENCE OR NEUTRALITY, with respect to all questions connected with the moral and political aspects of the subject. In the eye of the Constitution, slaveholding and non-slaveholding stand upon a footing of perfect equality. The slaveholding State and the slaveholding citizen are the same to it as the non-slaveholding. It protects both; it espouses the peculiarities of neither. It does not allow the North to say to the South, Your institutions are inferior to ours, and should be changed; neither does it allow the South to say to the North, You must accommodate yourselves to us. It says to both, Enjoy your own opinions upon your own soil, so that you do not interfere with the rights of each other. To me there is no difference betwixt you. Formed by parties whose divisive principle was this very subject of slavery, it

stands to reason, that the Constitution, without self-condemnation on the part of one or the other, could not have been made the patron of either. From the very nature of the case, its position must be one of complete impartiality. This is what the South means by equality in the Union, that the General Government shall make no difference betwixt its institutions and those of the North; that slaveholding shall be as good to it as non-slaveholding. In other words, the Government is the organ of neither party, but the common agent of both; and, as their common agent, has no right to pronounce an opinion as to the merits of their respective peculiarities. This, we contend, is the attitude fixed by the Constitution. The Government is neither pro nor anti slavery. It is simply neutral. Had it assumed any other attitude upon this subject, it never would have been accepted by the slaveholding States. When Mr. Pinckney could rise up in the Convention and declare, that "if slavery be wrong, it is justified by the example of all the world;" when he could boldly appeal to the unanimous testimony of ancient and modern times—to Greece and Rome, to France, Holland, and England, in vindication of its righteousness, it is not to be presumed that he ever would have joined in the construction of a Government which was authorized to pronounce and treat it as an evil! It is not to be presumed that the slaveholding States, unless they seriously aimed at the ultimate extinction of slavery, would have entered into an alliance which was confessedly to be turned against them. That they did not aim at the extinction of slavery, is clear from the pertinacity with which some of them clung to the continuance of the African slave-trade, until foreign supplies should be no longer demanded. When Georgia and South Carolina made it a *sine qua non* for entering the Union, that this traffic should be kept open for a season, to say that these States meditated the abolition of slavery, is grossly paradoxical. It is remarkable, too, that the time fixed for

the prohibition of this traffic, was a time within which the Representatives of those States were persuaded that the States themselves, if the question were left to them, would prohibit it. These States conceded to the Government the right to do, as their agent, only what they themselves would do, as sovereign communities, under the same circumstances. No presumption, therefore, of an attitude, on the part of the Constitution, hostile to slavery, can be deduced from the clause touching the African slave-trade. On the contrary, the presumption is, that, as the trade was kept open for a while—kept open, in fact, as long as the African supply was needed—the slaveholding States never meant to abolish the institution, and never could have consented to set the face of the Government against it. No doubt, the fathers of the Republic were, many of them, not all, opposed to slavery. But they had to frame a Government which should represent, not their personal and private opinions, but the interests of sovereign States. They had to adjust it to the institutions of South Carolina and Georgia, as well as those of New England. And they had the grace given them to impress upon it the only attitude which could conciliate and harmonize all parties—the attitude of perfect indifference.

This, at the same time, is the attitude of justice. We of the South have the same right to our opinions as the people of the North. They appear as true to us as theirs appear to them. We are as honest and sincere in forming and maintaining them. We unite to form a government. Upon what principle shall it be formed? Is it to be asked of us to renounce doctrines which we believe have come down to us from the earliest ages, and have the sanction of the oracles of God? Must we give up what we conscientiously believe to be the truth? The thing is absurd. The Government, in justice, can only say to both parties: I will protect you both, I will be the advocate of neither.

In order to exempt slavery from the operation of this plain principle of justice, it has been contended that the right of property in slaves is the creature of positive statute, and, consequently, of force only within the limits of the jurisdiction of the law; that it is a right not recognized by the Constitution of the United States, and, therefore, not to be protected where Congress is the local legislature. These two propositions contain every thing that has any show of reason for the extraordinary revolution which the recent election has consummated in the Government of the United States.

They are both gratuitous:

(1.) In the first place, slavery has never, in any country, so far as we know, arisen under the operation of statute law. It is not a municipal institution—it is not the arbitrary creature of the State, it has not sprung from the mere force of legislation. Law defines, modifies and regulates it, as it does every other species of property, but *law* never created it. The law found it in existence, and being in existence, the law subjects it to fixed rules. On the contrary, what is local and municipal, is the *abolition* of slavery. The States that are now non-slaveholding, have been made so by positive statute. Slavery exists, of course, in every nation in which it is not prohibited. It arose, in the progress of human events, from the operation of moral causes; it has been grounded by philosophers in moral maxims, it has always been held to be moral by the vast majority of the race. No age has been without it. From the first dawn of authentic history, until the present period, it has come down to us through all the course of ages. We find it among nomadic tribes, barbarian hordes, and civilized States. Wherever communities have been organized, and any rights of property have been recognized at all, there slavery is seen. If, therefore, there be any property which can be said to be founded in the common consent of the human race, it is the property in slaves. If there be any

property that can be called natural, in the sense that it spontaneously springs up in the history of the species, it is the property in slaves. If there be any property which is founded in principles of universal operation, it is the property in slaves. To say of an institution, whose history is thus the history of man, which has always and every where existed, that it is a local and municipal relation, is of "all absurdities the motliest, the merest word that ever fooled the ear from out the schoolman's jargon." Mankind may have been wrong—that is not the question. The point is, whether the *law* made slavery—whether it is the police regulation of limited localities, or whether it is a property founded in natural causes, and causes of universal operation. We say nothing as to the moral character of the causes. We insist only upon the fact that slavery is rooted in a common law, wider and more pervading than the common law of England—THE UNIVERSAL CUSTOM OF MANKIND.

If, therefore, slavery is not municipal, but natural, if it is abolition which is municipal and local, then, upon the avowed doctrines of our opponents, two things follow: 1st. That slavery goes of right, and as a matter of course, into every territory from which it is not excluded by positive statute; and, 2d. That Congress is competent to forbid the Northern States from impressing their local peculiarity of non-slaveholding upon the common soil of the Union. If the Republican argument is good for any thing, it goes the whole length of excluding for ever any additional non-slaveholding States from the Union. What would they think, if the South had taken any such extravagant ground as this? What would they have done, if the South had taken advantage of a numerical majority, to legislate them and their institutions for ever out of the common territory? Would they have *submitted*? Would they have glorified the Union, and yielded to the triumph of slavery? We know that they would not. They would have scorned the crotchet about municipal and local laws which divested them

of their dearest rights. Let them give the same measure to others which they expect from others. It is a noble maxim, commended by high authority—do as you would be done by.

The South has neither asked for, nor does she desire, any exclusive benefits. All she demands is, that as South, as slaveholding, she shall be put upon the same footing with the North, as non-slaveholding—that the Government shall not undertake to say, one kind of States is better than the other—that it shall have no preference as to the character, in this respect, of any future States to be added to the Union. Non-slaveholding may be superior to slaveholding, but it is not the place of the Government to say so; much less to assume the right of saying so upon a principle which, properly applied, requires it to say the very reverse.

There is another sense in which municipal is opposed to international, and in this sense, slavery is said to be municipal, because there is no obligation, by the law of nations, on the part of States in which slavery is prohibited, to respect within the limits of their own territory the rights of the foreign slaveholder. This is the doctrine laid down by Judge Story. No nation is bound to accord to a stranger a right of property which it refuses to its own subjects. We can not, therefore, demand from the Governments of France or England, or any other foreign power, whose policy and interests are opposed to slavery, the restoration of our fugitives from bondage. We are willing to concede, for the sake of argument, that the principle in question is an admitted principle of international law, though we are quite persuaded that it is contrary to the whole current of Continental authorities, and is intensely English. We doubt whether, even in England, it can be traced beyond the famous decision of Lord Mansfield, in the case of *Somerset*. But let us admit the principle. What then? The Constitution of the United States has expressly provided that this principle shall not apply within the limits of Fed-

eral jurisdiction. With reference to this country, it has abrogated the law; every State is bound to respect the right of the Southern master to his slave. The Constitution covers the whole territory of the Union, and throughout that territory has taken slavery, under the protection of law. However foreign nations may treat our fugitive slaves, the States of this Confederacy are bound to treat them as property, and to give them back to their lawful owners. How idle, therefore, to plead a principle of international law, which, in reference to the relations of the States of this Union, is formally abolished! Slavery is clearly a part of the municipal law of the United States; and the whole argument from the local character of the institution, falls to the ground. Slaveholding and non-slaveholding are both equally sectional, and both equally national.

(2.) As to the allegation that the Constitution no where recognizes the right of property in slaves, that is equally unfounded. We shall say nothing here of the decision of the Supreme Court, though that, one would think, is entitled to some consideration. We shall appeal to the Constitution itself, and if there is force in logic, we shall be able to make it appear that the right is not only recognized, but recognized with a philosophical accuracy and precision that seize only on the essential, and omit the variable and accidental. The subject, in the language of the Constitution, is transferred from the technicalities of law to the higher sphere of abstract and speculative morality. Morally considered, to what class does the slave belong? To the class of persons held to service. The two ideas that he is a person, and as a person, held to service, constitute the generic conception of slavery. How is his obligation to service fundamentally differenced from that of other laborers? By this, as one essential circumstance, that it is independent of the formalities of contract. Add the circumstance that it is for life, and you have a complete conception of the thing. You have the very definition, almost in his own words,

which a celebrated English philosopher gives of slavery: "I define slavery," says Dr. Paley, "to be an obligation to labor for the benefit of the master, without the contract or consent of the servant."*

Now, is such an obligation recognized in the Constitution of the United States? Are there persons spoken of in it, who are held to service by a claim so sacred that the Government allows them, however anxious they may be to do so, to dissolve it neither by stratagem nor force? If they run away, they must be remanded to those who are entitled to their labor, even if they escape to a territory whose local laws would otherwise protect them. If they appeal to force, the whole power of the Union may be brought to crush them. Can any man say that the Constitution does not here recognize a right to the labor and service of men, of persons, which springs from no stipulations of their own, is entirely independent of their own consent, and which can never be annulled by any efforts, whether clandestine or open, on their part? *This is slavery*—it is the very essence and core of the institution. That upon which the right of property terminates in the slave, is his service or labor. It is not his soul, not his person, not his moral and intellectual nature—it is his *labor*. This is the thing which is bought and sold in the market, and it is in consequence of the right to regulate, control and direct this, that the person comes under an obligation to obey. The ideas of a right on one side, and duty on the other, show that the slave, in this relation, is as truly a person as his master. The Constitution, therefore, does recognize and protect slavery, in every moral and ethical feature of it. The thing which, under that name, has commanded the approbation of mankind, is the very thing, among others analogous to it, included in the third clause of the second section of the fourth chapter of the Constitution. We see no way of

* Moral Philos. III., c. 3.

getting round this argument. It is idle to say that slaves are not referred to—it is equally idle to say that the right to their labor is not respected and guarded. Let this right be acknowledged in the territories, and we are not disposed to wring changes upon words. Let the Government permit the South to carry her persons held to service, without their consent, into the territories, and let the right to their labor be protected, and there would be no quarrel about slavery. It is unworthy of statesmen, in a matter of this sort, to quibble about legal technicalities. That the law of slaveholding States classes slaves among chattels, and speaks of them as marketable commodities, does not imply that, morally and ethically, they are not persons, nor that the property is in them, rather than in their toil. These same laws treat them in other respects as persons, and speak of their service as obedience or duty. The meaning of chattel is relative, and is to be restricted to the relation which it implies.

We are happy to find that the Supreme Court of the United States has fully confirmed the interpretation which we have given to this clause of the Constitution. In the case of *Prigg vs. the Commonwealth of Pennsylvania*,* it was asserted by every Judge upon the Bench, that the design of the provision was “to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State in the Union into which they might escape from the State where they were held in servitude.” These are the very words of Mr. Justice Story, in delivering the opinion of the Court. He went on to add: “The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States; and, indeed, was so vital to the preservation of the domestic interests and institutions that it can not be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed.”† Again: “We have

* 16 Peters, p. 539, *et seq.*† *Ib.*, p. 611.

said that the clause contains a positive and unqualified recognition of the right of the owner in the slave." * Chief Justice Taney held: that, "by the national compact, this right of property is recognized as an existing right in every State of the Union."† Judge Thompson said: the Constitution "affirms, in the most unequivocal manner, the right of the master to the service of his slave, according to the laws of the State under which he is so held."‡ Judge Wayne affirmed that all the Judges concurred "in the declaration that the provision in the Constitution was a compromise between the slaveholding and the non-slaveholding States, to secure to the former fugitive slaves as property."§ "The paramount authority of this clause in the Constitution," says Judge Daniel, "to guarantee to the owner the right of property in his slave, and the absolute nullity of any State power, directly or indirectly, openly or covertly, aimed to impair that right, or to obstruct its enjoyment, I admit, nay, insist upon, to the fullest extent." ||

If now, the Constitution recognizes slaves as property, that is, as persons to whose labor and service the master has a right, then, upon what principle shall Congress undertake to abolish this right upon a territory, of which it is the local Legislature? It will not permit the slave to cancel it, because the service is due. Upon what ground can itself interpose between a man and his dues? Congress is as much the agent of the slaveholding as it is of the non-slaveholding States; and, as equally bound to protect both, and to hold the scales of justice even between them, it must guard the property of the one with the same care with which it guards the property of the other.

We have now refuted the postulates upon which the recent revolution in the Government is attempted to be justified. We have shown that slavery is not the creature of local and municipal law, and that the Constitution distinctly recognizes the right of the master to the labor or

* 16 Peters, 613. † *Ib.*, p. 628. ‡ *Ib.*, p. 634. § *Ib.*, p. 637. || *Ib.*, p. 165

service of the slave; that is, the right of property in slaves. There is no conceivable pretext, then, for saying that the Government should resist the circulation of this kind of property, more than any other. That question it must leave to the providence of God, and to the natural and moral laws by which its solution is conditioned. All that the Government can do, is to give fair play to both parties, the slaveholding and non-slaveholding States; protect the rights of both on their common soil, and as soon as a sovereign State emerges, to which the soil is henceforward to belong, remit the matter to its absolute discretion. This is justice—this is the impartiality which becomes the agent of a great people, divided by two such great interests.

That the rights of the South, *as slaveholding*—for it is in that relation only that she is politically a different section from the North—and the rights of the North, *as non-slaveholding*, are absolutely equal, is so plain a proposition, that one wonders at the pertinacity with which it has been denied. Here let us expose a sophism whose only force consists in a play upon words. It is alleged that the equality of the sections is not disturbed by the exclusion of slavery from the territories, because the Southern man may take with him all that the Northern man can take. The plain English of which is this: if the Southern man will consent to become *as* a Northern man, and renounce what distinguishes him as a *Southern* man, he may go into the territories. But if he insists upon remaining a *Southern* man, he must stay at home. The geography is only an accident in this matter. The Southern man, politically, is the slaveholder; the Northern man, politically, is the non-slaveholder. The rights of the South are the rights of the South as slaveholding; the rights of the North are the rights of the North as non-slaveholding. This is what makes the real difference betwixt the two sections. To exclude *slaveholding* is, therefore, to exclude the South. By the free-soil doctrine, therefore, she, as South, is utterly debarred from every foot of the soil, which belongs, of

right, as much to her as to her Northern confederates. The Constitution is made to treat her institutions as if they were a scandal and reproach. It becomes the patron of the North, and an enemy, instead of a protector, to her.

That this is the attitude which the Government is henceforward to assume, we shall now proceed to show :

(1.) In the first place, let it be distinctly understood, that we do not charge the great body of the Northern people, who have accomplished the recent revolution, with being abolitionists, in the strict and technical sense. We are willing to concede that they have no design, for the present, to interfere directly with slavery in the slaveholding States. We shall give them credit for an honest purpose, under Mr. Lincoln's administration, to execute, as far as the hostility of the States will let them, the provisions of the fugitive slave law. All this may be admitted, but it does not affect the real issue, nor mitigate the real danger. We know that there are various types of opinion at the North with reference to the moral aspects of slavery, and we have never apprehended that, under the Constitution as it stands, there was any likelihood of an attempt to interfere, by legislation, with our property on our own soil.

(2.) But, in the second place, it must likewise be conceded that the general, almost the universal, attitude of the Northern mind is one of hostility to slavery. Those who are not prepared to condemn it as a sin, nor to meddle with it where it is legally maintained, are yet opposed to it, as a natural and political evil, which every good man should desire to see extinguished. They all regard it as a calamity, an affliction, a misfortune. They regard it as an element of weakness, and as a draw-back upon the prosperity and glory of the country. They pity the South, as caught in the folds of a serpent, which is gradually squeezing out her life. And, even when they defend us from the reproach of sin in sustaining the relation, they make so many distinctions between the abstract notion of slavery

and the system of our own laws, that their defence would hardly avail to save us, if there were any power competent to hang and quarter us. We are sure that we do not misrepresent the general tone of Northern sentiment. It is one of *hostility* to slavery—it is one which, while it might not be willing to break faith, under the present administration, with respect to the express injunctions of the Constitution, is utterly and absolutely opposed to any further extension of the system.

(3.) In the third place, let it be distinctly understood that we have no complaint to make of the opinions of the North, considered simply as their opinions. They have a right, so far as human authority is concerned, to think as they please. The South has never asked them to approve of slavery, or to change their own institutions and to introduce it among themselves. The South has been willing to accord to them the most perfect and unrestricted right of private judgment.

(4.) But, in the fourth place, what we *do* complain of, and what we have a right to complain of, is that they should not be content with thinking their own thoughts themselves, but should undertake to make the *Government* think them likewise. We of the South have, also, certain thoughts concerning slavery, and we can not understand upon what principle the thinking of the South is totally excluded, and the thinking of the North made supreme. The Government is as much ours as theirs, and we can not see why, in a matter that vitally concerns ourselves, we shall be allowed to do no effective thinking at all. This is the grievance. The Government is made to take the type of Northern sentiment—it is animated, in its relations to slavery, by the Northern mind, and the South, henceforward, is no longer *of* the Government, but only *under* the Government. The extension of slavery, in obedience to Northern prejudice, is to be for ever arrested. Congress is to treat it as an evil, an element of political weakness, and to restrain its influ-

ence within the limits which now circumscribe it. All this because the *North thinks* so; while the South, an equal party to the Government, has quite other thoughts. And when we indignantly complain of this absolute suppression of all right to think in and through our own Government, upon a subject that involves our homes and our firesides, we are coolly reminded, that, as long as Congress does not usurp the rights of our own Legislatures, and abolish slavery on our own soil, nor harbor our fugitives when they attempt to escape from us, we have reason to be grateful for the indulgence accorded to us. The right to breathe is as much as we should venture to claim. You may exist, says free-soilism, as States, and manage your slaves at home—we will not abrogate your sovereignty. Your runaways we do not want, and we may occasionally send them back to you. But if you think you have a right to be heard at Washington upon this great subject, it is time that your presumption should be rebuked. The North is the thinking power—the soul of the Government. The life of the Government is Northern—not Southern; the type to be impressed upon all future States is Northern—not Southern. The North becomes the United States, and the South a subject province.

Now, we say that this is a state of things not to be borne. A free people can never consent to their own degradation. We say boldly, that the Government has no more right to adopt Northern thoughts on the subject of slavery than those of the South. It has no more right to presume that they are true. It has no right to arbitrate between them. It must treat them both with equal respect, and give them an equal chance. Upon no other footing can the South, with honor, remain in the Union. It is not to be endured for a moment, that fifteen sovereign States, embodying, in proportion to their population, as much intelligence, virtue, public spirit and patriotism, as any other people upon the globe, should be quietly reduced to zero, in a Government

which they framed for their own protection ! We put the question again to the North : If the tables were turned, and it was your thoughts, your life, your institutions, that the Government was henceforward to discountenance ; if non-slaveholding was hereafter to be prohibited in every territory, and the whole policy of the Government shaped by the principle that slavery is a blessing, would you endure it ? Would not your blood boil, and would you not call upon your hungry millions to come to the rescue ? And yet, this is precisely what you have done to us, and think we ought not to resist. You have made us ciphers, and are utterly amazed that we should claim to be any thing.

But, apart from the degradation which it inflicts upon the South, it may be asked, what real injury will result from putting the Government in an attitude of hostility to slavery ?

The answer is, in the first place, that it will certainly lead to the extinction of the system. You may destroy the oak as effectually by girdling it as by cutting it down. The North are well assured that if they can circumscribe the area of slavery, if they can surround it with a circle of non-slaveholding States, and prevent it from expanding, nothing more is required to secure its ultimate abolition. "Like the scorpion girt by fire," it will plunge its fangs into its own body, and perish. If, therefore, the South is not prepared to see her institutions surrounded by enemies, and wither and decay under these hostile influences, if she means to cherish and protect them, it is her bounden duty to resist the revolution which threatens them with ruin. The triumph of the principles which Mr. Lincoln is pledged to carry out, is the death-knell of slavery.

In the next place, the state of the Northern mind which has produced this revolution can not be expected to remain content with its present victory. It will hasten to other triumphs. The same spirit which has prevaricated with the express provisions of the Constitution, and resorted to ex-

pedients to evade the most sacred obligations, will not hesitate for a moment to change the Constitution when it finds itself in possession of the power. It will only be consistency to harmonize the fundamental law of the Government with its chosen policy, the real workings of its life. The same hostility to slavery which a numerical majority has impressed upon the Federal Legislature, it will not scruple to impress upon the Federal Constitution. If the South could be induced to submit to Lincoln, the time, we confidently predict, will come when all grounds of controversy will be removed in relation to fugitive slaves, by expunging the provision under which they are claimed. The principle is at work and enthroned in power, whose inevitable tendency is to secure this result. Let us crush the serpent in the egg.

From these considerations, it is obvious that nothing more nor less is at stake in this controversy than the very life of the South. The real question is, whether she shall be politically annihilated. We are not struggling for fleeting and temporary interests. We are struggling for our very being. And none know better than the Republican party itself, that if we submit to their new type of Government, our fate as slaveholding is for ever sealed. They have already exulted in the prospect of this glorious consummation. They boast that they have laid a mine which must ultimately explode in our utter ruin. They are singing songs of victory in advance, and are confidently anticipating the auspicious hour when they shall have nothing to do but to return to the field and bury the dead.

The sum of what we have said is briefly this: We have shown that the Constitutional attitude of the Government towards slavery is one of absolute neutrality or indifference in relation to the moral and political aspects of the subject. We have shown, in the next place, that it is hereafter to take an attitude of hostility; that it is to represent the opinions and feelings exclusively of the North; that it is to

become the Government of one section over another ; and that the South, as South, is to sustain no other relation to it but the duty of obedience..

This is a thorough and radical revolution. It makes a new Government—it proposes new and extraordinary terms of union. The old Government is as completely abolished as if the people of the United States had met in Convention and repealed the Constitution. It is frivolous to tell us that the change has been made through the forms of the Constitution. This is to add insult to injury. What signify forms, when the substance is gone? Of what value is the shell, when the kernel is extracted? Rights are *things*, and not words; and when the things are taken from us, it is no time to be nibbling at phrases. If a witness under oath designedly gives testimony, which, though literally true, conveys a false impression, is he not guilty of perjury? Is not his truth a lie? Temures kept the letter of his promise to the garrison of Sebastia, that if they would surrender, no blood should be shed, but did that save him from the scandal of treachery in burying them alive? No man objects to the legality of the process of Mr. Lincoln's election. The objection is to the legality of that to which he is elected. He has been chosen, not to administer, but to revolutionize, the Government. The very moment he goes into office, the Constitution of the United States, as touching the great question between North and South, is dead. The oath which makes him President, makes a new Union. The import of secession is simply the refusal, on the part of the South, to be parties to any such Union. She has not renounced, and if it had been permitted to stand, she never would have renounced, the Constitution which our fathers framed. She would have stood by it for ever. But, as the North have substantially abolished it, and, taking advantage of their numbers, have substituted another in its place, which dooms the South to perdition, surely she has a right to say she will enter into no such conspiracy. The Government

to which she consented was a Government under which she might hope to live. The new one presented in its place is one under which she can only die. Under these circumstances, we do not see how any man can question either the righteousness or the necessity of secession. The South is shut up to the duty of rejecting these new terms of Union. No people on earth, without judicial infatuation, can organize a Government to destroy them. It is too much to ask a man to sign his own death-warrant.

II. We wish to say a few words as to the policy of the slaveholding States in the present emergency.

We know it to be the fixed determination of them all not to acquiesce in the principles which have brought Mr. Lincoln into power. Several of them, however, have hesitated—and it is a sign of the scrupulous integrity of the South in maintaining her faith—whether the mere fact of his election, apart from any overt act of the Government, is itself a *casus belli*, and a sufficient reason for extreme measures of resistance. These States have, also, clung to the hope that there would yet be a returning sense of justice at the North, which shall give them satisfactory guarantees for the preservation of their rights, and restore peace without the necessity of schism. We respect the motives which have produced this hesitation. We have no sympathy with any taunting reflections upon the courage, magnanimity, public spirit or patriotism of such a Commonwealth as Virginia. The mother of Washington is not to be insulted, if, like her great hero, she takes counsel of moderation and prudence. We honor, too, the sentiment which makes it hard to give up the Union. It was a painful struggle to ourselves; the most painful struggle of our lives. There were precious memories and hallowed associations, connected with a glorious history, to which the heart can not bid farewell without a pang. Few men, in all the South, brought themselves to pronounce the word DISUNION, without sadness of heart. Some States have not yet been able to pronounce it.

But the tendency of events is irresistible. It is becoming every day clearer, that the people of the North hate slavery more than they love the Union, and they are developing this spirit in a form which must soon bring every slaveholding State within the ranks of secession. The evil day may be put off, but it must come. The country must be divided into two people, and the point which we wish now to press upon the whole South is, the importance of preparing, at once, for this consummation.

The slaveholding interest is one, and it seems to us clear that the slaveholding States ought speedily to be organized under one general Government. United, they are strong enough to maintain themselves against the world. They have the territory, the resources, the population, the public spirit, the institutions, which, under a genial and fostering Constitution, would soon enable them to become one of the first people upon the globe. And if the North shall have wisdom to see her true policy, two Governments upon this continent may work out the problem of human liberty more successfully than one. Let the two people maintain the closest alliance for defence against a foreign foe, or, at least, let them be agreed that no European power shall ever set foot on American soil, and that no type of government but the republican shall ever be tolerated here, and what is to hinder the fullest and freest developement of our noble institutions. The separation changes nothing but the external relations of the two sections. Such a dismemberment of the Union is not like the revolution of a State, where the internal system of government is subverted, where laws are suspended, and where anarchy reigns. The country might divide into two great nations to-morrow, without a jostle or a jar; the Government of each State might go on as regularly as before, the law be as supreme, and order as perfect, if the passions of the people could be kept from getting the better of their judgments. It is a great advantage in the form of our Confederacy, that a

radical revolution can take place without confusion, and without anarchy. Every State has a perfect internal system at work already, and that undergoes no change, except in adjusting it to its altered external relations. Now, given this system of States, with every element of a perfect Government in full and undisturbed operation, what is there in the circumstance of *one* Confederacy of *divided interests*, that shall secure a freer and safer developement than *two Confederacies*, each representing an *undivided* interest? Are not two homogeneous Unions stronger than one that is heterogeneous? Should not the life of a Government be one? We do not see, therefore, that any thing will be lost to freedom by the union of the South under a separate Government. She will carry into it every institution that she had before—her State Constitutions, her Legislatures, her Courts of Justice, her halls of learning—every thing that she now possesses. She will put these precious interests under a Government embodying every principle which gave value to the old one, and amply adequate to protect them. What will she lose of real freedom? We confess that we can not understand the declamation, that with the American Union, American institutions are gone. Each section of the Union will preserve them and cherish them. Every principle that has ever made us glorious, and made our Government a wonder, will abide with us. The sections, separately, will not be as formidable to foreign powers as before. That is all. But each section will be strong enough to protect itself, and both together can save this continent for republicanism for ever.

Indeed, it is likely that both Governments will be purer, in consequence of their mutual rivalry, and the diminution of the extent of their patronage. They will both cherish intensely the American feeling, both maintain the pride of American character, and both try to make their Governments at home what they would desire to have them appear

to be abroad. Once take away all pretext for meddling with one another's peculiar interests, and we do not see but that the magnificent visions of glory, which our imaginations have delighted to picture as the destiny of the Anglo-Saxon race on this North American continent, may yet be fully realized. They never can be, if we continue together, to bite and devour one another.

But, whether it be for weal or woe, the South has no election. She is driven to the wall, and the only question is, will she take care of herself in time? The sooner she can organize a general Government, the better. That will be a centre of unity, and, once combined, we are safe.

We can not close without saying a few words to the people of the North as to the policy which it becomes them to pursue. The whole question of peace or war is in their hands. The South is simply standing on the defensive, and has no notion of abandoning that attitude. Let the Northern people, then, seriously consider, and consider in the fear of God, how, under present circumstances, they can best conserve those great interests of freedom, of religion, and of order, which are equally dear to us both, and which they can fearfully jeopard. If their counsels incline to peace, the most friendly relations can speedily be restored, and the most favorable treaties entered into. We should feel ourselves the joint possessors of the continent, and should be drawn together by ties which unite no other people. We could, indeed, realize all the advantages of the Union, without any of its inconveniences. The cause of human liberty would not even be retarded, if the North can rise to a level with the exigencies of the occasion. If, on the other hand, their thoughts incline to war, we solemnly ask them what they expect to gain? What interest will be promoted? What end, worthy of a great people, will they be able to secure? They may gratify their bad passions, they may try to wreak their resentment upon the seceding States, and they may inflict a large amount of

injury, disaster and suffering. But what have they gained? Shall a free people be governed by their passions? Suppose they should conquer us, what will they do with us? How will they hold us in subjection? How many garrisons, and how many men, and how much treasure, will it take to keep the South in order as a conquered province? and where are these resources to come from? After they have subdued us, the hardest part of their task will remain. They will have the wolf by the ears.

But, upon what grounds do they hope to conquer us? They know us well—they know our numbers—they know our spirit, and they know the value which we set upon our homes and firesides. We have fought for the glory of the Union, and the world admired us, but it was not such fighting as we shall do for our wives, our children, and our sacred honor. The very women of the South, like the Spartan matrons, will take hold of shield and buckler, and our boys at school will go to the field in all the determination of disciplined valor. Conquered we can never be. It would be madness to attempt it; and after years of blood and slaughter, the parties would be just where they began, except that they would have learned to hate one another with an intensity of hatred equalled only in hell. Freedom would suffer, religion would suffer, learning would suffer, every human interest would suffer, from such a war. But upon whose head would fall the responsibility? There can be but one answer. We solemnly believe that the South will be guiltless before the eyes of the Judge of all the earth. She has stood in her lot, and resisted aggression.

If the North could rise to the dignity of their present calling, this country would present to the world a spectacle of unparalleled grandeur. It would show how deeply the love of liberty and the influence of religion are rooted in our people, when a great empire can be divided without confusion, war, or disorder. Two great people united under one government differ upon a question of vital im-

portance to one. Neither can conscientiously give way. In the magnanimity of their souls, they say, let there be no strife between us, for we are brethren. The land is broad enough for us both. Let us part in peace, let us divide our common inheritance, adjust our common obligations, and, preserving, as a sacred treasure, our common principles, let each set up for himself, and let the Lord bless us both. A course like this, heroic, sublime, glorious, would be something altogether unexampled in the history of the world. It would be the wonder and astonishment of the nations. It would do more to command for American institutions the homage and respect of mankind, than all the armies and fleets of the Republic. It would be a victory more august and imposing than any which can be achieved by the thunder of cannon and the shock of battle.

Peace is the policy of both North and South. Let peace prevail, and nothing really valuable is lost. To save the Union is impossible. The thing for Christian men and patriots to aim at now, is to save the country from war. That will be a scourge and a curse. But the South will emerge from it free as she was before. She is the invaded party, and her institutions are likely to gain strength from the conflict. Can the North, as the invading party, be assured that she will not fall into the hands of a military despot? The whole question is with her, and we calmly await her decision. We prefer peace—but if war must come, we are prepared to meet it with unshaken confidence in the God of battles. We lament the wide-spread mischief it will do, the arrest it will put upon every holy enterprise of the Church, and upon all the interests of life; but the South can boldly say to the bleeding, distracted country,

“Shake not thy gory locks at me;
Thou canst not say I did it.”



